

The proposed privilege would be equally unique in its invocation and application. Unlike the standard executive privilege protecting presidential communications, the proposed privilege would be invoked by the Secretary of the Treasury rather than the President of the United States. Not only would the new privilege invest this single cabinet officer with unique and troubling authority, it allows a political appointee of a President to create a major barrier to a criminal investigation that is, by statute, meant to be independent of the Executive Branch. *Morrison v. Olson*, 487 U.S. 654, 661 (1988). Such exclusive and unilateral authority claimed by the Secretary of the Treasury is completely unprecedented and unanticipated in our history.

Even if successful on appeal, this privilege would be secured at a tremendous and prohibitive cost for the traditions of the Secret Service. Created as a law enforcement agency, the new privilege would shift an obligation running currently to the public in favor of an obligation running to the personal household of the President. This creates a unit more closely analogized to a Praetorian or palace guard and introduces a dangerous ambiguity for law enforcement officers. Secret Service agents are law enforcement professionals, not members of a personal household guard. Moreover, a new privilege would create a legal morass for future cases for other law enforcement officers. Federal law enforcement Officers, including United States Marshals, currently guard hundreds of dignitaries, judges, and other officials. The status and controlling duties of these individuals would become hopelessly and dangerously ambiguous under a protective function privilege. Currently, there is a clear line for protective personnel. Their jobs require them to protect the physical safety of those officials in their care but their status as law enforcement officers require them to share any relevant criminal evidence. This has been a bright-line rule under which federal enforcement personnel have served for many decades without objection.

The common law cannot guarantee a President that his conduct will never be the subject of criminal investigation. However, few Presidents have ever been the subject of criminal allegations and even fewer have faced criminal inquiries. The likelihood of future court-sanctioned inquiries into either criminal or non-criminal conduct of the President is extremely remote. In any area where a President may fear possible allegations of criminal conduct, the chilling effect of a criminal inquiry would be a positive, not a negative, influence. Put simply, it is not in the public's interest for their President to feel comfortable discussing possible criminal information in front of any public servant, let alone a law enforcement officer.

The former Attorneys General are deeply concerned about the inherent dangers in recognizing a special privilege for the Secret Service. To that end, the former Attorneys General have asked me to prepare an *amicus curiae* brief opposing the privilege for their consideration, should an appeal be taken in this case. The immediate question, however, rests with your evaluation of the relative merits and costs of an appeal from the Court's decision. There are clearly many competing interests weighing into the decision of an appeal in the case. In making this decision, I hope that the unique perspective of your predecessors will assist you in the coming days.

Respectfully,

JONATHAN TURLEY,  
Professor of Law.

## ELLIS ISLAND MEDALS OF HONOR AWARDS CEREMONY

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1998

Mr. BURTON of Indiana. Mr. Speaker, I submit the following:

ELLIS ISLAND MEDALS OF HONOR AWARDS CEREMONY—NECO CHAIRMAN WILLIAM DENIS FUGAZY LEADS DRAMATIC CEREMONY DEDICATED TO LATE MEDAL RECIPIENT, ERIC BREINDEL AND LINDA EASTMAN MCCARTNEY

Ellis Island, NY, May 9—Standing on the hallowed grounds of Ellis Island—the portal through which 17 million immigrants entered the United States—a cast of ethnic Americans who have made significant contributions to the life of this nation, among them Senator George Mitchell; New York Times photojournalist Dith Pran; College Football's All-Time Winningest Coach Eddie Robinson; and the U.S. Olympic Women's Hockey Team today were presented with the coveted Ellis Island Medal of Honor at an emotionally uplifting ceremony.

NECO's annual medal ceremony and reception on Ellis Island in New York Harbor is the Nation's largest celebration of ethnic pride. This year's event was dedicated to the memory of Eric Breindel, a 1994 Ellis Island Medal recipient and Linda Eastman McCartney.

Representing a rainbow of ethnic origins, this year's recipients received their awards in the shadow of the historic Great Hall, where the first footsteps were taken by the millions of immigrants who entered the U.S. in the latter part of the nineteenth century. "Today we honor great ethnic Americans who, through their achievements and contributions, and in the spirit of their ethnic origins, have enriched this country and have become role models for future generations," said NECO Chairman William Denis Fugazy. "In addition, we honor the immigrant experience—those who passed through this Great Hall decades ago, and the new immigrants who arrive on American soil seeking opportunity."

Mr. Fugazy added, "It doesn't matter how you got here or if you already were here. Ellis Island is a symbol of the freedom, diversity and opportunity-ingredients inherent in the fabric of this nation. Although many recipients have no familial ties to Ellis Island, their ancestors share similar histories of struggle and hope for a better life here."

Established in 1986 by NECO, the Ellis Island Medals of Honor pay tribute to the ancestry groups that comprise America's unique cultural mosaic. To date, approximately 1000 ethnic American citizens and native Americans have received medals.

NECO is the largest organization of its kind in the U.S. serving as an umbrella group for 250 ethnic organizations and whose mandate is to preserve ethnic diversity, promote ethnic and religious equality, tolerance and harmony, and to combat injustice, hatred and bigotry.

Ellis Island Medal of Honor recipients are selected each year through a national nomination process. Screening committees from NECO's member organizations select the final nominees, who are then considered by the Board of Directors.

#### 1998 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

Anthony S. Abbate, Italian, Business Leader.

Hon. Gary L. Ackerman, Eastern European, Member of Congress.

William H. Adkins, African, Business Leader.

Antigone Agris, Hellenic, Business Leader.  
Ace (Armando) Alagna, Italian, Publisher.  
John B. Alfieri, Esq., Italian, Attorney.  
John A. Allison IV, Scottish/Irish, Business Leader.

John A. Amos, African, Actor/Playwright.  
Ernie Anastos, Hellenic, News Journalist/Author.

Thomas V. Angott, Italian, Business Leader.

Michael S. Ansari, Iranian, Business Leader.

Norman R. Augustine, German, Business Leader/Educator.

William J. Avery, Irish/Welsh, Business Leader.

Farhad Azima, Persian, Business Leader.

Brian M. Barefoot, English/German, Community Leader.

Archbishop Khajag Barsamian, Armenian, Religious Leader.

George D. Behrakis, Hellenic, Business Leader.

Hon. Joseph W. Bellacosa, Italian, Judge of the Court of Appeals.

Francis X. Bellotti, Italian, Attorney.

Eric A. Benhamou, French, Business Leader.

Michael Berry, Esq., Lebanese, Community Leader.

Albert C. Bersticker, German, Corporate Executive.

Elias Betzios, Hellenic, Community Leader.

Thomas R. Bolling, Swedish, Business Leader.

Frank J. Branchini, Irish/Italian, Business Leader.

John G. Breen, Scottish/Irish, Business Leader.

Duncan A. Bruce, Scottish, Author/Community Leader.

Michael G. Cantonis, Hellenic, Business Leader.

Louis J. Cappelli, Italian, Business Leader.

Hon. Richard Conway Casey, Irish, United States District Court Judge.

Robert B. Catell, Italian, Business Leader.

William Cavanaugh III, Irish, Business Leader.

Jerry D. Choate, English, Business/Community Leader.

Christopher Christodoulou, Cypriot, Educator/Lecturer.

Dr. Kenneth A. Ciongoli, Italian, Community Leader.

E. Virgil Conway, Irish, Public Official.

Dr. Takey Crist, Hellenic, Community Leader/Educator.

Karen Davis, Swiss/German, Philanthropic Leader.

Diane H. Dayson, African, Business Leader.

Theodore Deikel, Russian, Business Leader.

George J. Delaney, Irish, Business Leader.

Hon. Gustave Diamond, Hellenic, Justice.

Jim Donald, Irish, Business Leader.

Lewis Robert Elias, M.D., Lebanese, Medical Practitioner.

Victor Elmaleh, Moroccan, Business Leader.

Pamela Fiori, Italian, Journalist.

Brian T. Gilson, Norwegian/German/Italian, Business Leader.

Richard H. Girenti, Italian, Attorney.

Bernice Gottlieb, Austrian/Hungarian, Advocate for Children.

Charlie N. Hall, Sr., African, Labor Leader.

James F. Hardyman, English, Business Leader.

Derek C. Hathaway, English, Business/Community Leader.

William Hetzler, German, Community Leader.

John A. Holy, Slovak, Publisher.

Vahagn S. Hovnanian, Armenian, Business/Community Leader.

Darrell Edward Issa, Lebanese, Business Leader.

Robert M. Johnson, Swedish/English, Business Leader.

Mitchell J. Joseph, Italian, Business Leader.

Thomas Peter Kazas, Hellenic, Business Leader.

Hon. John F. Keenan, French Canadian/Irish, U.S. District Judge.

Andrew Sokchu Kim, Korean, Business/Community Leader.

A. Eugene Kohn, European, Architect.

Alexander R. Koproski, Polish, Business/Community Leader.

Haralambos S. Kostakopoulos, Ph.D., Hellenic, Business Leader.

Thomas C. Kyros, Cypriot, Business/Community Leader.

Vincent V. LaBruna, DDS, Italian, Community Leader/Educator.

Lee Liu, Chinese, Business Leader.

Dr. Pamela Loren, Argentinean/English, Business Leader.

William Losapio, Italian, Business Leader.

Alan Barry Lubin, Russian, Labor Leader/Educator.

Leon Machiz, Russian, Business Leader.

Hon. Carolyn B. Maloney, English/Irish/French, Member of Congress.

Joseph L. Mancino, Italian, Business Leader.

Frank G. Mancuso, Italian, Business Leader.

John Willard Marriott Jr., English, Business Leader.

Anthony A. Massaro, Italian, Business Leader.

Fernando Mateo, Hispanic, Community Leader.

Joseph M. Mattone, Esq., Italian, Business Leader.

Col. William Surles McArthur, Jr., Scottish, Astronaut.

Linda Eastman McCartney, (Posthumous).

Michael R. McCoy, Irish, Business Leader.

Bryan M. McGuire, Irish, Business Leader.

Josie Anderson McMillan, African, Labor Leader.

James R. Mellor, English, Business Leader.

Hon. Robert Menendez, Cuban, Member of Congress.

Arthur L. Mercante, Italian, Community Leader.

Lee Miglin, (Posthumous).

Alan B. Miller, Russian, Business Leader.

Hon. Patsy T. Mink, Japanese, Member of Congress.

Hon. George Mitchell, Lebanese/Irish, Senator.

Tita Scandalis Monti, Hellenic, Community Leader/Philanthropist.

William D. Moses, Syrian, Business/Community Leader.

Thomas J. Murphy, Irish, Community Leader.

Mary Murphy, Irish, Television Journalist.

John Francis O'Brien, Irish/Italian, Business Leader.

Cmdr. Timothy Stuart O'Leary, USN, Irish/Croat, Naval Officer.

Harry J. Pappas, Hellenic, Business Leader.

Carl F. Pascarella, Italian, Business Leader.

Nicholas Anthony Penachio, Italian, Business Leader.

James George Petheriotes, Hellenic, Community/Business Leader.

William G. Poist, German, Business Leader.

Dith Pran, Cambodian, Photojournalist/Lecturer.

Leslie C. Quick, III, Irish, Business Leader.

Bradford J. Race, Jr., Irish/English, Secretary to the Governor.

John G. Rangos, Sr., Hellenic, Business Leader.

Michael T. Reddy, Irish, Business Leader.

Ronald K. Richey, Swedish/Scottish/Irish/German, Business Leader.

P. Anthony Ridder, German/French, Business Leader.

John J. Rigas, Hellenic, Business Leader.

Eddie Robinson, African, College Football's All-Time Winningest Coach.

Edward J. Robson, English, Business Leader.

Steven A. Rosenberg, MD, PhD, Eastern European, Surgeon/Scientist.

Robert J. Rotatori, Esq., Italian, Attorney/Educator.

Dr. John W. Ryan, Irish, Educator.

Philip Adeeb Salem, MD, Lebanese, Educator/Research Scientist.

Joseph D. Sargent, CLU, Irish/English, Business Leader.

George D. Schwab, PH.D, Latvian, Foreign Policy Leader.

Steven Seagal, French Canadian/Italian, Actor/producer.

Tosano J. Simonetti, Italian, Business Leader.

Amb. Richard Sklar, Russian/Hungarian, Ambassador to the U.N.

Orin R. Smith, English, Business Leader.

Philip J. Smith, Irish, Business Leader.

William S. Stavropoulos, Hellenic, Business Leader.

Michael R. Steed, Irish, Business Leader.

Pergrouhi (Najarian) Svajian, PhD., Armenian, Educator.

Laszlo N. Tauber, M.D., Hungarian, Surgeon/Real Estate Investor/Philanthropist.

Hon. Nicholas Tsoucalas, Hellenic, Judge.

Vincent Viola, Italian, Business Leader.

Randi Weingarten, Russian/German, Labor Leader/Educator.

Melvyn I. Weiss, Esq., Russian/Hungarian, Attorney.

H. Daniel Wenstrup, Danish, Business Leader.

Siggi B. Wilzig, German/Prussian, Business Leader/Holocaust Lecturer.

Margaret W. Wong, Chinese, Community Leader.

John B. Yasinsky, Lithuanian, Business Leader.

Zachariah P. Zachariah, M.D., Asian Indian, Physician/Community Leader.

Robert Thomas Zito, Italian, Business Leader.

Past Ellis Island Medal of Honor recipients have included several U.S. Presidents, entertainers, athletes, entrepreneurs, religious leaders and business executives, such as William Clinton, Ronald Reagan, Jimmy Carter, Gerald Ford, George Bush, Richard Nixon, George Pataki, Mario Cuomo, Bob Hope, Frank Sinatra, Michael Douglas, Gloria Estefan, Coretta Scott King, Rosa Parks, Elie Wiesel, Muhammad Ali, Mickey Mantle, General Norman Schwarzkopf, Barbara Walters, Terry Anderson and Dr. Michael DeBakey.

Congratulations To The 1998 Ellis Island Medal of Honor Recipients.